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Sixty-third session

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Summary record of the 1st meeting
Held at Headquarters, New York, on Monday, 6 October 2008, at 10 a.m.

Chairperson: Mr. Al Bayati ..... (Iraq)

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Organization of work

Agenda item 129: Administration of justice at the United Nations

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08-53618 (E)

The meeting was called to order at 10.05 a.m.

Organization of work (A/C.6/63/1 and A/C.6/63/L.1)

1. **The Chairperson** drew attention to the allocation of agenda items to the Committee, as contained in document A/C.6/63/1, and to the note by the Secretariat entitled "Organization of work" (A/C.6/63/L.1), in particular paragraphs 7 to 9 concerning the establishment of working groups. With regard to agenda item 129, "Administration of justice at the United Nations", he recalled that on 24 April 2008, the Ad Hoc Committee on the Administration of Justice at the United Nations had recommended that, at the sixty-third session of the General Assembly, the Sixth Committee should establish a working group with a view to finalizing its deliberations on the draft statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal and should continue its discussion of the other legal aspects of the administration of justice at the United Nations. It was his understanding that the Sixth Committee wished to establish a working group on administration of justice at the United Nations, chaired by Mr. Sivagurunathan (Malaysia), and that the working group, like the Ad Hoc Committee, would be open to all United Nations Member States and to members of specialized agencies or the International Atomic Energy Agency (IAEA), pursuant to General Assembly decision 62/519.

2. *It was so decided.*

3. **The Chairperson**, referring to agenda item 99, "Measures to eliminate international terrorism", said it was his understanding that the Committee wished, in accordance with the recommendation of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, to establish a working group, chaired by Mr. Perera (Sri Lanka), to continue the work of the Ad Hoc Committee and that the working group, like the Ad Hoc Committee, would be open to all United Nations Member States and to members of specialized agencies or IAEA, pursuant to General Assembly resolution 51/210.

4. *It was so decided.*

5. **The Chairperson**, referring to agenda item 73, "Criminal accountability of United Nations officials nd experts on mission", said it was his understanding that the Committee wished, in accordance with the recommendation of the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission, to establish a working group, chaired by Ms. Telalian (Greece), to continue the work of the Ad Hoc Committee, and that the working group, like the Ad Hoc Committee, would be open to all United Nations Member States and to members of specialized agencies or the International Atomic Energy Agency, pursuant to General Assembly resolution 61/29.

6. *It was so decided.*

7. **The Chairperson** drew attention to the proposed timetable for the Committee's work, contained in paragraphs 3 to 6 of the note entitled "Organization of work" (A/C.6/63/L.1). In accordance with established practice, the proposed work programme would be applied with flexibility in light of the progress made by the Committee, which would take action on draft resolutions as soon as they were ready for adoption.

8. The Committee must allow sufficient time for preparation and consideration of the estimates of expenditure arising from draft resolutions. Since it was scheduled to conclude its work on 14 November 2008, all draft resolutions with financial implications must be submitted to the Fifth Committee by 31 October 2008, except for those relating to agenda items scheduled to be considered after that date. He took it that the Committee wished to proceed accordingly.

9. *It was so decided.*

10. **The Chairperson** stressed that the Committee was required to make full use of conference resources and facilities. Although, over the past three sessions, it had shown an improvement in that regard, during its most recent session it had lost over seven hours because of meetings starting late and ending early. Its conference service utilization factor would improve further if discussions began on time and if, in the event that the Committee was unable to proceed with discussion of an item, delegations were prepared to consider the next item on the agenda.

11. He took it that the Committee wished, as in the past, to follow the practice of the General Assembly in giving precedence on the list of speakers to representatives of regional groups or groups of States.

12. *It was so decided.*

13. In that connection, he drew attention to paragraph 13 of General Assembly resolution 59/313, which invited Member States that were aligned with statements already made by the chair of a group of

Member States, where possible, to focus additional interventions made in their national capacity on points that had not already been adequately addressed in the statements of the groups in question, bearing in mind the sovereign right of each Member State to express its national position.

Agenda item 129: Administration of justice at the United Nations (A/63/55 and Add.1, A/63/211, A/63/253, A/63/283 and A/63/314)

14. **Mr. Sivagurunathan** (Malaysia), Chairman of the Ad Hoc Committee on the Administration of Justice, introducing the report of the Ad Hoc Committee (A/63/55 and Add.1), said that during its discussions at United Nations Headquarters on 11, 14, 21 and 24 April 2008 , the working group of the whole of the Ad Hoc Committee had focused on the scope of the new system of administration of justice; legal assistance to staff; and the jurisdiction and powers of the Dispute Tribunal and the Appeals Tribunal. In addition, the text of the draft statutes of the Tribunals, as proposed by the Secretary-General in his note on the administration of justice (A/62/748 and Corr.1) had been discussed in informal consultations. Substantial progress had been made in consideration of the draft statutes, but agreement had yet to be reached on a number of issues. He was pleased that, as recommended by the Ad Hoc Committee, the Sixth Committee had decided to establish a working group to discuss the draft statutes and other legal aspects of the administration of justice at the United Nations.

15. **Mr. Alday** (Mexico), speaking on behalf of the Rio Group, said that the Organization's staff were its most valuable asset and that their rights must be protected in accordance with internationally accepted standards. The Rio Group would continue to support measures designed to ensure that the United Nations was an exemplary employer, in particular by replacing a system acknowledged to be slow, cumbersome and costly. To that end, delegations should agree as soon as possible on the draft statutes of the two Tribunals. Both management and staff were relying on the Committee's legal expertise so that the new system could be brought into operation by 1 January 2009 pursuant to General Assembly resolution 62/228. The necessary transitional measures should be determined in a timely manner, in coordination with the Fifth Committee, so as to enable the Sixth Committee to take up other issues, including disciplinary matters, the new investigation process proposed by the Secretary-General in his 2007 report on the administration of justice (A/62/294), the mandate of the Office of Staff Legal Assistance, the criteria for the removal of judges, and the terms of reference of the registries of the two Tribunals and of the Mediation Division.

16. **Ms. Orina** (Kenya), speaking on behalf of the Group of African States, said that the effective administration of justice was essential for the preservation of every individual's rights. The Organization must therefore put in place a new, impartial system of administration of justice accessible to all staff, irrespective of category or duty station and not bound by any ideology. While granting non-staff personnel access to the informal system was a noble objective, granting them access to the formal system required careful consideration. Those not granted such access should, however, be provided with adequate procedures for dispute settlement and effective alternative remedies. In that regard, the Group attached considerable importance to mediation, which merited inclusion in the new system. The appointment and removal of judges for both Tribunals should be reserved for the General Assembly in order to ensure transparency and preserve the judges' independence. She appealed for a spirit of compromise in order to ensure early completion of work on the draft statutes of the two Tribunals so that the new system could be in operation by January 2009.

17. **Mr. Sheeran** (New Zealand), speaking on behalf of the CANZ group of countries (Canada, Australia and New Zealand), said that United Nations staff should have access to a transparent, impartial, fair and efficient system of internal justice consistent with the rule of law and due process. He welcomed the progress made towards the establishment of a new system and the broad agreement that it should apply to all staff covered by the present one. Once the operation of the new system had been properly assessed, thought should be given to expanding its scope in light of the needs of those currently outside it.

18. In the interests of impartiality, it was important to establish a period during which judges serving on the Tribunals would be ineligible for subsequent appointment by the Secretary-General to judicial positions; however, in order to ensure a well-qualified pool of applicants, that period should be limited to three years. In view of the nearness of January 2009, the Committee, which was ideally placed to translate

the intentions of Member States into the legal language of draft statutes, needed to give final thought to the proposed texts so that the Fifth Committee could consider an adequate funding and staffing base, as well as transitional measures for the new system. The CANZ countries stood ready to work constructively to resolve all outstanding issues in a spirit of consensus.

19. **Mr. Blair** (Antigua and Barbuda), speaking on behalf of the Group of 77 and China, said that the United Nations system of administration of justice needed to be reformed in the interests of justice, impartiality and fairness. Outstanding issues, including scope of application, jurisdiction and transitional measures, must be finalized expeditiously in the coming two weeks so that the draft statutes could be duly forwarded to the Fifth Committee. The Group of 77 and China looked forward to consensus-building on the remaining issues in the shortest possible time.

20. **Mr. Renié** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Iceland, Moldova and Ukraine, said that since the Organization had a decisive role in developing international standards in the field of human rights and the rule of law, it must have a legal system worthy of the name. The new system must be independent, transparent, professional, decentralized and adequately funded; it must also comply with international law, as well as the principles of the rule of law and the right to a fair trial. It was for the Committee to ensure that those requirements were met by seeing to it that the draft statutes of the new Tribunals contained all the necessary safeguards. The Fifth and Sixth Committees should work together on the new system since it would have a significant impact on the Organization's budget. In particular, transitional measures would be required; the Sixth Committee should offer guidance to the Fifth in that regard and, more generally, the two Committees should complement each other so as to achieve tangible results.

21. The European Union continued to be in favour of a two-step approach to the reform, first covering all those with access to the current system and, at a later stage, ensuring that the United Nations, as an exemplary employer, complied with its duty to provide effective legal remedies to all other categories of personnel. Other key issues to be addressed included strengthening legal assistance for staff and improving informal procedures in order to dispense with unnecessary litigation.

22. **Mr. Barriga** (Liechtenstein) said that while much work remained, the 1 January 2009 target for putting in place the new system of administration of justice was realistic if the Committee could finalize the work on the draft statutes swiftly, so that the Fifth Committee could deal with all remaining issues. The ultimate goal — the establishment of an independent, transparent, professional, adequately resourced and decentralized system of administration of justice — would improve staff moral and accountability, which in turn would enhance the effectiveness and efficiency of the Organization as a whole. Concerning the scope of the new system, he reiterated his Government's support for a sustainable solution that would not entail discrimination between staff performing similar tasks based on the nature of their contracts. The function of the new system should be assessed soon after its inception.

23. **Mr. Bichet** (Switzerland) said that any postponement of the deadline for putting in place the new system was unthinkable in view of the urgent need for the reform. As both a Member State and a host country to the United Nations, Switzerland attached the utmost importance to the earliest possible establishment of such a mechanism. The Committee must therefore step up its efforts to finalize the draft statutes of the new Tribunals in the coming weeks; it might be appropriate to assign to the Fifth Committee those aspects of the draft statutes that had budgetary implications, such as the scope of application of the new system and transitional measures. His delegation was willing to envisage concessions with a view to achieving a balanced compromise.

24. **Mr. Onemola** (Nigeria) said that the idea of a staff-funded scheme for legal assistance to staff set out in the report of the Secretary-General on the administration of justice at the United Nations (A/63/314) deserved further consideration. He was certain that with sufficient consideration, the doubts expressed by staff about the viability of the scheme would be dispelled. His delegation was not opposed to limited authority for disciplinary measures being delegated initially to heads of mission or offices away from Headquarters, but it felt strongly that safeguards should be put in place to avoid abuse and that the

suggested training programmes and information campaigns should be conducted. Negotiations between the United Nations and other participating entities on cost-sharing arrangements and options for programme support needed to be concluded swiftly. Judges for the two Tribunals should be appointed exclusively by the General Assembly, which should be able to remove them only on grounds of misconduct or incapacity. Should it be necessary to set up a panel of specialists to examine a request for removal of a judge, it might be more appropriate for the panel's report to be submitted for consideration to an independent body rather than to the concerned Tribunal, as the Secretary-General had proposed.

25. Efforts should be made, first, to establish a new system covering all who had access to the current one; the question of remedies for other categories of personnel should be taken up at a later stage. He reiterated the call for timely conclusion of the Committee's deliberations so that the General Assembly could approve the draft statutes and allow the new system to be brought into operation rapidly.

26. **Mr. Ngay** (Democratic Republic of the Congo) said that in light of the leading role played by the Organization in improving governance worldwide and, where appropriate, restoring the rule of law, its own system of administration of justice could not be allowed to remain slow, cumbersome, costly and contrary to international law and international human rights norms. The time had come to act, in particular by focusing on the draft statutes of the two Tribunals so that the new system could be operational by 1 January 2009. With regard to disciplinary matters, the Secretary-General's proposal to provide initially for a limited delegation of authority to heads of mission and offices away from Headquarters should be taken up swiftly, beginning with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the United Nations Mission in the Sudan (UNMIS), the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Mission in Liberia (UNMIL) and the United Nations Operation in Côte d'Ivoire (UNOCI).

27. The informal settlement of disputes should be a linchpin of the new system; staff should have recourse to the Dispute Tribunal only in the event that such a procedure proved unsuccessful, and cases should be brought within six months of the declared failure of mediation efforts. The proposed two-tier jurisdiction, in the form of a Dispute Tribunal and an Appeals Tribunal, would ensure due process and provide safeguards against judicial error. Judges should be appointed by the General Assembly.

28. **Mr. Simonoff** (United States of America) said that his delegation was committed to ensuring the establishment of the new two-tier formal system of administration of justice at the United Nations by 1 January 2009. It was vital that the new system should prove efficient and effective from its inception. Therefore, consideration of certain proposals should be deferred until experience in the operation of the new system was gained; it would be easier to expand it in the future than to contract it. Furthermore, since the system must also be cost-effective, it should be recalled that the Fifth Committee was the Main Committee entrusted with responsibility for the administrative and budgetary aspects of the agenda item. His delegation considered that the Dispute Tribunal should be the sole body to take evidence and would be offering possible alternative approaches to addressing the situation of individuals who were not United Nations staff. However, it was open to new proposals that would bridge the differences in views.

29. **Ms. Chadha** (India) stressed that the staff members of any organization were its most important resource and were entitled to expect an independent, impartial and efficient internal redress mechanism. Her delegation was pleased that steps had been taken to prepare for the establishment of a two-tier, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice and for the strengthening of informal dispute resolution mechanisms, as called for in General Assembly resolution 61/261. It welcomed the establishment of the Internal Justice Council, which would ensure independence, professionalism and accountability in the system of administration of justice, and the creation of a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes to ensure that the same standards and operating guidelines were applied by all ombudsman's offices throughout the United Nations system. The establishment of a Mediation Division to settle disputes in internal, non-litigious proceedings would help promote mutual trust between management and staff and preserve harmony in the Organization. It would be important for

those alternative avenues of dispute settlement to be widely publicized at all duty stations.

30. Despite the progress made by the Ad Hoc Committee on the Administration of Justice at the United Nations, several crucial issues, in particular relating to transitional measures and the scope of the system, must be resolved so that the new system could be put in place by 1 January 2009. The United Nations had a duty to ensure that all members of its workforce had access to justice and that none were left without a legal remedy; however, the Group of 77 and China had indicated that it was willing to look at a number of options and proposals in that regard. Legal assistance should be provided to staff, so the Office of Staff Legal Assistance should be strengthened.

31. **Mr. Mikanagi** (Japan) said that the administration of justice was one of the most important items to be discussed by the Committee. Several important and difficult issues remained, but many of them could be settled in the spirit of compromise. If some issues remained unresolved and had to be referred to the Fifth Committee, the Sixth Committee should clearly lay out the possible options. His delegation was prepared to show maximum flexibility and urged others to do so.

32. **Mr. Charles** (Trinidad and Tobago) said that the existing system of administration of justice was plagued with problems and in dire need of reform. The proposed decentralized system would provide greater access to justice and facilitate speedy, fair and impartial resolution of disputes. Despite the laudable progress made in the Ad Hoc Committee and in informal consultations, finalizing the draft statutes for the two Tribunals would require compromise on all outstanding issues. His delegation was committed to working towards a transparent, impartial and independent system of justice consistent with the rules of international law and the principles of the rule of law and due process.

33. **Mr. Eriksen** (Norway) said that his delegation remained fully committed to the establishment of a new system of administration of justice in conformity with the principles of transparency, impartiality, accessibility and efficiency; those principles should not be compromised by arguments based on cost. It was vital to stand by the pledge, made at the 2005 World Summit, to provide the Organization with adequate resources to fulfil its mandate. A well-run international justice system was a prerequisite for maintaining an efficient and effective Secretariat.

34. The progress made to date was encouraging. In the upcoming working group meetings, the Committee must focus on the outstanding issues. With regard to the personal scope of the formal system, with the target date of 1 January 2009 rapidly approaching, there was merit in taking the necessary decisions to get the system up and running, but the issue should be revisited in the very near future; it was important for associated personnel who were not staff members to have access to an effective remedy for their complaints. A judge should be able to refer the parties to mediation if convinced that there was scope for agreement between the parties. His delegation was of the view that a panel of three judges of first instance should hear certain cases, such as complex claims of discrimination. However, if the Appeals Tribunal was given the power to conduct a full review of cases, including hearing key witnesses, there would be less need for a panel of judges in the Dispute Tribunal. His delegation was confident that the target date could be met and would cooperate fully in that effort.

35. **Ms. Negm** (Egypt) said that the Chairman of the Ad Hoc Committee and the Coordinator of informal consultations had made laudable progress in reconciling differences concerning the draft statutes for the Dispute Tribunal and the Appeals Tribunal, but their speedy finalization was necessary if the 1 January 2009 target established in General Assembly resolutions 61/261 and 62/228 was to be met. She trusted that delegations wished to see justice prevail and to ensure the rule of law so that all United Nations employees could enjoy their legitimate rights as soon as possible. Her delegation was committed to cooperating in the resolution of the many outstanding issues.

36. **Mr. Limon** (Israel) said that his delegation attached great importance to the establishment of a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice no later than January 2009, in accordance with General Assembly resolution 62/228; it especially commended the contribution of the Coordinator for the informal consultations.

37. Among the fundamental issues still to be resolved were the personal scope of the jurisdiction of, and the number of judges in, the Dispute Tribunal; the grounds

for recourse to the Appeals Tribunal; and the transitional measures. Some of those issues were interdependent and should be addressed in an integrated manner. Issues not resolved at the current session should be deferred for consideration in the future when the system was up and running.

38. **Mr. Al-Baker** (Qatar) said that an effective system of administration of justice that was fair, transparent and in conformity with human rights and the rule of law would enhance trust and confidence among the staff, which would be reflected in greater effectiveness in the work of the Organization. In the report of the Secretary-General on the activities of the Ombudsman (A/63/283), the high rates of cases mentioned in paragraphs 32 and 33 (conditions of service) and in paragraph 28 (professional development) showed the need for a clear and transparent system of employment. Paragraphs 21 and 22 of the same report discussed training of staff in the Office of the Ombudsman; although such training was certainly valuable, there was a need to hire qualified staff with prior experience in dispute resolution and mediation.

39. The letter dated 18 July 2008 from the President of the Administrative Tribunal addressed to the President of the General Assembly (A/63/253) raised serious legal issues about transition measures that should be addressed before the new system of administration of justice was adopted. Despite the efforts of the Secretariat, and particularly the Office of the Ombudsman, it was clear from the report of the Secretary-General on the work of the Joint Appeals Board (A/63/211) that the number of appeals was increasing; it seemed that the current system was addressing only effects and not causes. The establishment of the two Tribunals and of the integrated Office of the Ombudsman would help, but there was a need for a more comprehensive system built first on education and guidance and then on admonishment, with disciplinary action as a last resort. His delegation would propose the creation of a section in the Office of the Ombudsman that would offer professional advice and education in order to enlighten staff generally about their rights and duties and to disseminate information about the functions of the Ombudsman through courses and workshops.

40. **Mr. Kuzmin** (Russian Federation) said that his delegation supported reform of the administration of justice at the United Nations that would strengthen the rule of law. The steps already planned would broaden opportunities for informal dispute settlement, replace the current Administrative Tribunal with a two-tiered system and elaborate procedural rules for the new Tribunals; however, his delegation was of the view that the reform should not be limited to those measures. The task before the Committee was to make qualitative improvements in the dispute machinery, a task that could not be accomplished without introducing progressive elements, for example, by broadening the jurisdiction of the Tribunals and the scope of persons with access to them. Of course, any such steps must be weighed carefully in light of their possible long-term consequences for the United Nations.

41. At the current session, the Committee would be primarily concerned with finalizing the draft statutes for the two Tribunals. It was to be hoped that the effort to adhere to the 1 January 2009 time frame would not negatively affect the quality of the decisions taken or prevent consideration of other legal aspects of the new system, such as the modalities for legal assistance. Coordination with the Fifth Committee on matters that fell within the competence of both Committees would be important.

42. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran) said that the Organization was on the verge of creating an independent, professional, transparent and efficient system of internal justice to replace one plagued by incompetence and ineffectiveness. His delegation hoped that the Committee would be able to finalize the drafting of the statutes for the new Tribunals and to decide other pending issues relating to the informal system so that the new system could become operational in 2009.

43. Delegation of authority required clearly defined accountability. An independent, professional, transparent and expeditious system of administration of justice that both protected the rights of staff members and held them and their managers accountable and responsible for their decisions and actions was an integral part of effective human resources management and would pave the way for further reform of the Organization and enhance its productivity.

The meeting rose at 12.10 p.m.

United Nations A/C.6/63/SR.2

General Assembly
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Sixth Committee

Summary record of the 2nd meeting
Held at Headquarters, New York, on Wednesday, 8 October 2008, at 10 a.m.

Chairperson: Mr. Al Bayati ..... (Iraq)
later: Mr. Sheeran (Vice-Chairperson) ..... (New Zealand)

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Agenda item 99: Measures to eliminate international terrorism

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08-54043 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 99: Measures to eliminate international terrorism (A/63/37, A/63/89, A/63/123, A/63/173 and Add.1 and A/63/281-S/2008/431)

1. **The Chairperson** said that completion of the draft comprehensive convention on international terrorism would be a significant contribution to the legal framework for combating that scourge. He urged delegations to pursue negotiations on the outstanding issues in good faith in order that the Committee might finalize its work on that important instrument.

2. **Mr. Perera** (Sri Lanka), Chairman of the Ad Hoc Committee established by General Assembly resolution 52/210 of 17 December 1996, introducing the report of the Ad Hoc Committee (A/63/37), said that during its twelfth session, the Ad Hoc Committee had held two plenary meetings in February and March 2008, as well as a round of informal consultations, and other informal contacts on the draft convention. Informal consultations had likewise taken place on the question of convening a high-level conference under United Nations auspices in order to formulate a joint organized response by the international community to terrorism in all its forms and manifestations.

3. The atmosphere during those discussions had been very encouraging: delegations had reaffirmed their commitment to early adoption of the draft convention and had displayed their determination to advance the negotiating process in order to finalize it without delay. Draft article 18 remained the key to unlocking the impasse and discussion of the text presented by the Coordinator at the Ad Hoc Committee's eleventh session (A/62/37) had continued.

4. The international community expected that the long negotiating process would be brought to a successful closure. The review of the United Nations Global Counter-Terrorism Strategy had generated a sense of urgency in efforts to conclude the draft convention, which was a vital component of the Strategy. It was essential to avoid failure in that important legislative task mandated by the General Assembly.

5. Negotiations on the outstanding issues concerning the draft convention were in their eighth year but, since 2007, the Sixth Committee had had before it a proposal which went a long way towards bridging the gap between viewpoints and contained elements for a viable and balanced package. A fork in the road had been reached, and the time had come to make the necessary decisions favouring the timely conclusion of the draft convention on the basis of that proposal.

6. **Mr. Churkin** (Russian Federation), speaking on behalf of the Shanghai Cooperation Organisation (SCO) countries (China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan), said that further joint work by the Sixth Committee could enhance the international community's capability to combat the global threat of international terrorism.

7. In the current context of far-reaching changes in international relations, it was more important than ever to strengthen collective principles. The search for effective answers to worldwide challenges and threats must be based on strict compliance with the Charter of the United Nations and the standards of international law. When confronted with the threat of international terrorism, the principles of mutual trust and effective cooperation among States must not be supplanted by confrontational thinking, egotistical unipolarity and the use of double standards. The SCO States therefore reiterated both their firm commitment to consolidating the central, coordinating role of the United Nations in organizing an international response to the terrorist threat, and their support for consistent implementation of the Global Counter-Terrorism Strategy.

8. The SCO brought together States with multi-ethnic populations and a variety of religious beliefs and cultural traditions. For that reason, they considered that rejection of terrorism must be intrinsic to the dialogue between religions and civilizations. The counter-terrorism effort must not be used to fan ethnic or religious enmity or dangerous new conflicts. The SCO actively supported a wide range of measures designed to prevent terrorism and counter the ideology on which it fed, and it attached great importance to partnerships between States, civil society, the mass media and the private sector.

9. SCO countries had stepped up their efforts to achieve the aims of the 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism. Improvements had been made to the Regional Anti-Terrorist Structure, which coordinated cooperation among the relevant bodies of member States, ensured the exchange of information and carried out basic analyses. Implementation of the 2007-2009 Programme

of Cooperation in Combating Terrorism, Separatism and Extremism was proceeding.

10. Great attention was continuing to be paid to bolstering the international legal basis for counter-terrorism cooperation. The Agreement on the order of organisation and staging of joint counter-terrorism exercises by member States had been signed at the meeting of the Council of Heads of Member States, in Dushanbe (Tajikistan) in August 2008, along with the Agreement on cooperation among the governments of the member States of the SCO on combating illegal circulation of weapons, ammunitions and explosives. The Anti-Terrorist Structure's coordination and interaction had been successfully tested during its participation in security arrangements at the 2008 Olympic Games in Beijing, and further joint counter-terrorism drills had been held that same year in Volgograd (Russian Federation).

11. One of the Organisation's priorities was the strengthening of regional security in Central Asia, where terrorism and drugs emanating from Afghanistan were the main destabilizing factors. The SCO countries planned to establish a wide network of partnerships among interested States and regional international organizations in order to counter those threats. It was building regional cooperation and intended to develop further contacts with the Collective Security Treaty Organization (CSTO) and the Anti-Terrorist Centre of the Commonwealth of Independent States.

12. The first review of the Global Counter-Terrorism Strategy, held in September 2008, had confirmed the important role of regional organizations in implementing agreed counter-terrorism measures. The SCO reaffirmed its readiness to cooperate more closely with the counter-terrorism bodies of the United Nations and was sure that by working together, it would be possible to make progress in the priority task of agreeing on the text of the draft convention. The SCO States stood ready to make their contribution, inter alia by drawing on their experience in drafting their own regional convention on combating terrorism.

13. **Mr. Alday González** (Mexico), speaking on behalf of the Rio Group, said that at the national level, terrorism caused extensive destruction and suffering and spread fear and antagonism among local communities, destroying the fabric of society. At the international level, it jeopardized global security and endangered relations between peoples. Acts of terrorism should be condemned unequivocally because of their pernicious effects and their perpetrators should be prosecuted. Prevention was of crucial importance and the best way of overcoming the problem in the long term.

14. Since terrorism was transnational, no country could combat it alone; the international community's response must be predicated on cooperation and coordination among States. The Rio Group reiterated its firm support for the Global Counter-Terrorism Strategy, acknowledged the importance of the work of regional and subregional organizations in implementation of the Strategy and called for closer cooperation in that regard. The Strategy, with its four pillars, approached the subject holistically and the principles it contained were of paramount importance for the Group.

15. The Counter-Terrorism Implementation Task Force should be institutionalized within the Secretariat so that all Member States would have an opportunity to interact with it regularly during the General Assembly and to provide it with guidance. The prevention and suppression of terrorism were equally important. Prevention entailed the identification and elimination of factors which might prompt terrorist acts, including political, ethnic, racial and religious intolerance and the social and economic gap between nations. In order to suppress terrorism and eliminate its sources of funding, all States should endeavour to improve legal cooperation and the exchange of information between its police forces and financial intelligence units with a view to preventing terrorist groups from acting and from forging links with other criminal organizations.

16. Counter-terrorism measures must always be conducted within the framework of the rule of law and comply strictly with international law. No methods would be successful or enjoy the support of the international community unless they were consonant with the Charter of the United Nations and other relevant international treaties, especially those concerning human rights, international humanitarian law and refugee law. Cooperation in extraditing the perpetrators of terrorist acts and providing mutual legal assistance must take place within the framework of the applicable international and national laws; measures which transgressed international law were unjustifiable.

17. All member States should do their utmost to secure the conclusion of a comprehensive convention which would reinforce the international legal

framework for combating terrorism. Such a convention was needed in order to supplement the existing legal framework with a specific instrument providing practical answers to the threat facing humanity. The outcome of the twelfth session of the Ad Hoc Committee suggested, however, that cooperation was needed in order to reach consensus on that matter.

18. The Group appreciated the indefatigable endeavours of the Coordinator of the draft convention, Ms. Telalian, to bring States' positions closer together. The time had come for Member States to resume open-minded negotiations in the Sixth Committee, or in its Working Group on measures to eliminate international terrorism, in order to arrive at a comprehensive convention against international terrorism. If the requisite spirit of compromise was allied with political will, it would soon be possible to achieve substantive results and to convene a high-level conference on terrorism.

19. Despite endeavours to combat acts of terrorism, their frequent occurrence all over the world clearly showed that a determined effort was still needed and that it was necessary to boost States' capacities. Closer cooperation and coordination among countries was the most efficient way of moving forward and the best place to achieve that goal was at the United Nations.

20. **Mr. O'Brien** (Australia), speaking on behalf of the CANZ group of countries (Australia, Canada and New Zealand), said that individuals and communities were devastated by terrorism and no region of the world was spared. The CANZ group offered its condolences to the victims of those attacks and their families and reiterated its commitment to do its utmost to address that serious global threat of terrorism, which could never be justified by any cause or grievance. There was no room for complacency in the global counter-terrorism effort, and closer cooperation at the regional and international levels was needed.

21. The global community had at its disposal universal legal tools to build cooperation in the counter-terrorism field. All the international counter-terrorism instruments were valuable in that respect, and States should become parties to and implement them. The CANZ countries welcomed various institutions' efforts to make the aims of those instruments a reality on the ground. In particular, the Counter-Terrorism Committee Executive Directorate (CTED), was building counter-terrorism capacity by matching donors and with the needs and priorities of recipient countries. Similarly, the efforts of the United Nations Office on Drugs and Crime (UNODC) and other international donors to promote ratification and implementation of the international counter-terrorism legal framework in South-East Asia and the Pacific complemented the work of the CANZ countries in that region. Those countries also welcomed initiatives by the Counter-Terrorism Implementation Task Force to ensure that United Nations efforts to combat terrorism were coordinated and coherent.

22. The United Nations was the pre-eminent forum for multilateral action. Uniting behind the implementation of the Global Counter-Terrorism Strategy and closing the remaining gaps in the counter-terrorism legal framework were vital and a comprehensive convention on international terrorism would unambiguously demonstrate a global political commitment to criminalize all terrorist acts and cooperate in prosecuting those responsible. The draft convention's adoption would also make it possible to tackle the diverse forms of terrorism that the world still faced and to build on the existing sectoral conventions. Delegations' efforts to bridge the gap between views were therefore welcome.

23. Although some success had been scored in disrupting terrorist capabilities in the Asia-Pacific region, the threat of attacks persisted and made vigilance essential; there was an urgent need for strong cooperation in the field of regional counter-terrorism. The CANZ countries were working in concert to curb global terrorist activity. Since 2003, Australia had allocated over $A 450 million to combating terrorism in South-East Asia. The Jakarta Centre for Law Enforcement Cooperation, a joint venture between Indonesia and Australia, was a particular success in that connection. Since 2005, Canada's Counter-Terrorism Capacity Building Program had provided nearly CAN$ 50 million for training and technical assistance to help mitigate the impact of terrorism worldwide. Working in close partnership with the Organization of American States (OAS) and UNODC, Canada had focused the bulk of its programming priorities on the Americas and the Caribbean basin, whereas New Zealand's counter-terrorism capacity-building assistance was primarily directed towards the Pacific and South-East Asia. Bilateral and regional initiatives were funded through the Pacific Security

Fund and the Asia Security Fund, both of which had been increased by nearly 50 per cent in the past year.

24. It was not enough to suppress terrorist acts; global action must also be taken to prevent the financing of terrorism. As active members of the Financial Action Task Force (FATF) and of regional bodies such as the Asia/Pacific Group on Money Laundering (APG) and the Caribbean Financial Action Task Force (CFATF), the CANZ group encouraged the strengthening of legislative, regulatory and other measures to prevent and combat terrorist financing. It also pursued an ambitious counter-terrorism and human security agenda through the Asia-Pacific Economic Cooperation (APEC) Counter-Terrorism Task Force (CTTF), which concentrated on the economic aspects of terrorism.

25. In addition to adopting measures designed to combat terrorist financing, it was crucial to engage with communities and to ensure that citizens were included in the development of national security measures. Ensuring a safe and secure world was the responsibility of all peoples, not just governments and law enforcement agencies.

26. Since the threat of international terrorism required a comprehensive, multilayered and long-term response, it was essential to pursue initiatives aimed at addressing the conditions conducive to the spread of terrorism. The CANZ group supported initiatives such as interfaith dialogues and the Alliance of Civilizations as a means of improving understanding and cooperative relations among nations and peoples across cultures and religions. Strengthening, implementing and enforcing globally recognized counter-terrorism norms consistent with international law were daunting tasks, but consensus and resolute action would increase the prospect of success.

27. **Mr. Malmierca Díaz** (Cuba), speaking on behalf of the Non-Aligned Movement, said that terrorism was a blatant violation of international law, international humanitarian law and human rights law. It violated the right to life and prevented peoples from fully enjoying human rights and fundamental freedoms. Such acts endangered States' territorial integrity and stability, as well as national, regional and international security. They destabilized legitimately constituted governments and the existing constitutional order, undermined States' political unity and the very basis of their societies, had an adverse impact on economic and social development and destroyed physical and economic infrastructures.

28. The Non-Aligned Movement unequivocally condemned terrorism as a crime and rejected terrorism in all its forms and manifestations, committed by whomsoever, wherever and for whatever purpose, including acts in which States were directly or indirectly implicated; such acts were completely unjustifiable. In that context, the members of the Movement reaffirmed their support for General Assembly resolution 46/51 of 27 January 1992 and other pertinent resolutions of the United Nations.

29. Terrorism must not be associated with any religion, nationality, civilization or ethnic group and those attributes should not be used to justify measures such as profiling or breaches of privacy. Terrorism must not be confused with the legitimate struggle of peoples under foreign or colonial domination or foreign occupation to achieve self-determination and national liberation. The mistreatment of peoples under foreign occupation must be denounced as the worst form of terrorism, and the use of State power to engage in the violent repression of peoples who were struggling to exercise their inalienable right to self-determination must always be condemned.

30. He urged all States, in keeping with the Charter of the United Nations, to honour their obligation under international law and international humanitarian law to combat terrorism by prosecuting or extraditing the perpetrators, and by preventing them from organizing, instigating or financing such acts against other States, within or outside their territory, including through organizations headquartered in their territory. States should further refrain from organizing, instigating, abetting, financing or participating in such acts in the territory of other States and from encouraging activities in their territory which would be conducive to the commission of such acts, forbid the use of their territory for planning, training for or financing such acts and, lastly, refrain from supplying weapons or arms which could be used for that purpose.

31. Member States should condemn all forms of terrorism; refuse to provide political, diplomatic, moral or material support for terrorism; and, in accordance with the Charter of the United Nations and their obligations under international law, ensure that the perpetrators, organizers or facilitators of terrorist acts did not abuse refugee or any other legal status and

were not allowed to plead political grounds as an impediment to their extradition.

32. All States which had not yet done so should consider becoming parties to the three United Nations counter-terrorism conventions and the three related protocols. Similarly, Member States should implement all the international, regional and bilateral counter-terrorism instruments, of which they were signatories, bearing in mind the recommendations of the final document of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Cairo in 1995.

33. The Movement called on all States to respect all the human rights and fundamental freedoms when combating terrorism and reaffirmed its commitment to avoiding violations of human rights, abiding by the rule of law and honouring its obligations under international law, especially international human rights law, international refugee law and international humanitarian law, in keeping with the relevant General Assembly resolutions. A welcome move would be to convene a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations and to determine its root causes. To that end, it was necessary to conclude a comprehensive convention on international terrorism. In light of the negotiations within the Ad Hoc Committee, he called on all States to help to resolve the outstanding issues.

34. Responsibility for implementing the Global Counter-Terrorism Strategy lay primarily with Member States. The Movement welcomed the review thereof; commended the efforts of Mr. Gert Rosenthal, Permanent Representative of Guatemala to the United Nations, in his capacity as facilitator of the review process; supported the initiative to draft by consensus, under the auspices of the United Nations, an international code of conduct aimed at strengthening the coordination of multilateral efforts to prevent terrorism in all its forms and manifestations; and looked forward to the conclusion of work on the draft comprehensive convention.

35. The Movement rejected the threat or use of force by any State, especially by its armed forces, against any non-aligned country on the pretext of combating terrorism. It also rejected attempts to achieve political objectives by characterizing a state directly or indirectly as a sponsor of terrorism. It requested the Security Council sanctions committees to improve their listing and delisting procedures in order to address concerns regarding due process and transparency. Lastly, it supported the proposal to set up an international counter-terrorism centre, adopted at the International Conference on Combating Terrorism, held in Riyadh in February 2005.

36. **Mr. Le Luong Minh** (Viet Nam), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that combating terrorism and related crimes continued to be a priority for the ASEAN States. Its members had strengthened their legislative and institutional capacities with a view to combating terrorist activities and threats, becoming parties to counter-terrorism instruments and promoting international cooperation. At the regional level, they had signed the ASEAN Convention on Counter-Terrorism at the Twelfth ASEAN Summit, held in the Philippines on 13 January 2007. The Convention would enter into force once it had been ratified by 6 of the 10 ASEAN members and would provide States parties with a legal framework for regional cooperation to combat, prevent and suppress terrorism in all its forms; it would also promote cooperation among law enforcement agencies and counter-terrorism authorities.

37. The Convention emphasized the sovereign and territorial equality of states and the principle of non-interference in the internal affairs of other ASEAN members. It also emphasized the importance of addressing the root causes of terrorism, ensuring the fair treatment of any person taken into custody and sharing best practices on rehabilitation programmes. In addition, at the Sixth ASEAN Ministerial Meeting on Transnational Crimes, the ASEAN members had agreed to find innovative solutions to address the multifaceted threats of transnational crime. Following the meeting, the ASEAN ministers had met with their counterparts from China, Japan and the Republic of Korea to discuss ways of strengthening cooperation in combating transnational crime. In particular, they had focused on the challenges of cybercrime and its links to terrorism and trafficking in persons. ASEAN members had also held meetings to promote cooperation among their respective police forces and to strengthen counter-terrorism cooperation with Japan. As members of the United Nations Security Council, Indonesia and Viet

Nam had participated in the work of its counter-terrorism-related committees.

38. **Ms. Valère** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that the CARICOM States condemned terrorism in all its forms and manifestations, believed that the General Assembly should take the lead in combating terrorism and unreservedly supported the Global Counter-Terrorism Strategy. However, they emphasized the importance of the provision of capacity-building measures and the exchange of best practices, which were indispensable for developing countries to effectively implement the Strategy.

39. The CARICOM States were committed to implementing their obligations under the various counter-terrorism instruments to which they were parties and had sought to implement Security Council resolutions 1373 (2001) and 1540 (2004) and to meet their reporting obligations. However, they called for a review of those reporting mechanisms in light of the human resource constraints faced by developing States. They also reiterated the need to conclude and adopt a comprehensive convention on international terrorism.

40. In order to combat terrorism, it was essential to address its root causes, including poverty; unresolved conflicts; lack of respect for the rule of law; violations of human rights; ethnic, national and religious discrimination; political exclusion; socio-economic marginalization; and bad governance. Terrorism should be combated without violating the inalienable right of peoples under colonial domination or foreign occupation to self-determination. International human rights and international humanitarian law must be respected at all times. The CARICOM Maritime and Air Space Security Co-operation Agreement called for cooperation among the law enforcement agencies of its members and recognized the critical need for cooperation among States; the CARICOM members were mindful of the fact that after 32 years, the perpetrator of one of the region's worst terrorist acts continued to elude prosecution, despite several pleas for justice.

41. **Mr. Muburi-Muita** (Kenya), speaking on behalf of the Group of African States, said that the Group condemned terrorism in all its forms and manifestations and supported the early adoption of the draft comprehensive convention and the ratification and implementation of all the international counter-terrorism instruments; it urged the international community to provide technical assistance to African States for the implementation of those instruments. The adoption of the 1999 Organization of African Unity Convention on the Prevention and Combating of Terrorism and the establishment in Algiers of the African Centre for the Study and Research on Terrorism (ACSRT) had represented a significant achievement. States parties to the Convention were convinced that terrorism constituted a serious violation of the right to life, physical integrity, freedom and security, and they were committed to complying with African and international treaties relating to human rights, humanitarian law and international law, including the principles of State sovereignty and territorial integrity. The Group urged Africa's partners to provide support to the Centre in order to establish networks for information-sharing, training, research, and investigative and joint activities.

42. Inter-State cooperation in the apprehension of terrorists and the prevention and investigation of terrorist acts should be further strengthened. He welcomed the ongoing cooperation between the ACSRT and the Counter-Terrorism Implementation Task Force; the Trans-Sahara Counter-Terrorism Initiative, developed by ACSRT and the United States of America; and the Madrid Declaration and Plan of Action on Strengthening the Legal Regime against Terrorism in West and Central Africa as important ways of strengthening the capacity of African countries to adopt coordinated approaches to combating terrorism. In that regard, the 1999 Convention acknowledged the links between terrorism and organized crime, including drug trafficking, illicit proliferation and trafficking of small arms and light weapons, corruption and money-laundering, as well as between terrorism and weapons of mass destruction.

43. The Group welcomed the progress made in drafting a comprehensive convention on international terrorism and suggested that the definitions of terrorism contained in regional instruments might be of use to the Ad Hoc Committee. The new instrument should in no way deny the right of peoples to self-determination and should make a clear distinction between terrorism and the legitimate struggle for freedom and independence of peoples under foreign domination or colonial rule; as recognized in many General Assembly resolutions, including resolution 46/51, liberation struggles did not constitute terrorism.

The proposal to convene a high-level conference under United Nations auspices in order to formulate an international response to terrorism in all its forms and manifestations should be given serious consideration.

44. **Mr. Renié** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Iceland, the Republic of Moldova and Ukraine, said that terrorism was criminal and unjustifiable in all its forms and in all circumstances and could not claim to represent any culture or religion. Combating terrorism must remain a priority for the United Nations, the only world body qualified to lead and coordinate that struggle. The European Union urged Member States to become parties to all the United Nations counter-terrorism conventions and protocols and to adopt adequate measures to provide support to victims of terrorist attacks. It also called for implementation of the Global Counter-Terrorism Strategy on the basis of a global and integrated approach that showed respect for the rule of law and involved all stakeholders.

45. The European Union welcomed the important work of the Counter-Terrorism Implementation Task Force, which must be provided with the budgetary and administrative support to continue its work on strategy implementation. It hoped that negotiations on a comprehensive convention on international terrorism would be concluded and believed that the question of convening an international conference on combating terrorism should be considered only after agreement on the draft convention had been reached. Because terrorism fed on prejudice and ignorance, the European Union welcomed efforts to strengthen dialogue and understanding between cultures involving all actors: States, regional organizations and civil society. In that regard, it welcomed the establishment of the union for the Mediterranean, which would provide a sustainable framework for dialogue in that region.

46. **Mr. Amil** (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the Organization's members strongly condemned all acts of terrorism, irrespective of its motivation, objectives, forms and manifestations, and were convinced that it could never be justified. In that connection, he drew attention to the Final Communiqué of the OIC Summit, held in Dakar on 13 and 14 March 2008; to Resolution No. 1-35-P ("Situation in the Republic of Iraq"), adopted at the thirty-fifth session of the OIC Council of Foreign Ministers, held in Kampala from 18 to 20 June 2007; and to the Final Communiqué of the Annual Coordination Meeting of Ministers of Foreign Affairs of the OIC Member States, held in New York on 26 September 2008. Terrorism should not be associated with any religion, race, faith, theology, values, culture, society or group; in an increasingly globalized world, there was a growing need to build bridges among cultures and peoples.

47. Only through a coordinated approach such as the Global Counter-Terrorism Strategy would the international community be able to combat terrorism effectively. It was necessary to address its root causes, including the unlawful use of force, aggression, foreign occupation, international disputes, denial of the right of peoples living under foreign domination to self-determination, political and economic injustices, and political marginalization and alienation; the distinction between terrorism and the legitimate right of peoples to resist foreign occupation was enshrined in international law. The Global Strategy should be implemented in all its aspects and reviewed regularly.

48. The OIC members reiterated their call for the holding of a high-level conference under the auspices of the United Nations to formulate a joint response by the international community to terrorism in all its forms and to conclude an agreed definition of terrorism. It also reiterated its support for the establishment of an international counter-terrorism centre under United Nations auspices, as well as for efforts to develop an international counter-terrorism code of conduct.

49. The OIC members reaffirmed their determination to make every effort to finalize the draft comprehensive convention on international terrorism by attempting, inter alia, to resolve the outstanding issues related to the legal definition of terrorism, particularly the distinction between terrorism and the struggle of peoples for self-determination and against foreign occupation, and on the scope of the acts covered by the draft Convention. It reiterated its previous proposal on the scope of the draft convention and was seriously considering the Coordinator's proposal package (A/62/37, annex, para. 14).

50. **Mr. Saleh** (Lebanon), speaking on behalf of the Group of Arab States, said that further efforts were needed to combat terrorism, all forms of which he condemned, and to tackle its root causes. Terrorism was not to be associated with any religion, nationality, culture or ethnicity, nor should it be confused with religion. In addition to providing a definition of terrorism, the comprehensive convention must distinguish it from the legitimate right of peoples to resist foreign occupation; it should also condemn State terrorism.

51. Concerning the draft comprehensive convention, the Coordinator's proposal merited attention and had the support of the Organization of the Islamic Conference. He also favoured the convening of an international counter-terrorism conference under United Nations auspices, which would expedite finalization of the draft. All counter-terrorism measures should be consistent with international law and the vital instrument embodied in the Global Counter-Terrorism Strategy should remain subject to review and amendment, with responsibility for its full implementation lying squarely on the shoulders of Member States. He endorsed the Tunisian proposal to hold an international seminar under United Nations auspices with a view to the elaboration of a binding code of conduct on counter-terrorism. The Saudi Arabian proposal to establish an international counter-terrorism centre also had his support.

52. **Ms. Möhler** (Liechtenstein) said that her country remained committed to the international counter-terrorism effort, particularly through cooperation with the United Nations system. Her delegation welcomed the successful review of implementation of the Global Counter-Terrorism Strategy and stressed that the Committee should not duplicate the work done in that connection by the Secretariat and the Counter-Terrorism Implementation Task Force. She reiterated her delegation's suggestion that the Committee should reduce the text of its annual resolution under agenda item 99 to the minimum necessary and should focus on the effort to conclude negotiations on the draft convention.

53. The Coordinator's proposal on the preamble and article 18 of the draft convention was legally sound and politically realistic. The proposed text must be considered in the context of the other provisions of the draft instrument, which would supplement the existing sectoral conventions; it would not, on its own, provide a legal definition of terrorism. The draft convention, if adopted, would not make a distinction between terrorism and the right to self-determination. Instead, the proposal sought to clarify the relationship between the draft convention and international humanitarian law by ensuring that the new instrument did not interfere in the roles of armed conflict by criminalizing conduct that would not otherwise be prohibited under international humanitarian law; it would not impose on States parties rules of international humanitarian law by which they had not been previously bound; and although it did not explicitly address the concept of State terrorism, it did not entirely exclude it. The groundwork had thus been laid for a successful conclusion to the work of the Ad Hoc Committee in 2009.

54. **Ms. Bichet-Anthamatten** (Switzerland) reaffirmed her country's vigorous condemnation of all forms of terrorism, which it was committed to combating. Switzerland had contributed to the implementation of the Global Counter-Terrorism Strategy by joining with other States in November 2007 to launch the International Process on Global Counter-Terrorism Cooperation. The Final Document of that Process made a number of proposals for improving implementation of the Strategy; several of them required action by the General Assembly, an organ whose legitimacy was universally recognized and which had unique authority in setting standards. The process had identified three areas requiring further work: cooperation between United Nations entities with differing legal status; the overall governance architecture; and relations between Member States and the secretariats of the relevant organizations.

55. Her delegation regretted that, despite the constructive proposals that had been made, there had been little progress towards the conclusion of a comprehensive convention. Switzerland supported the Coordinator's proposal concerning draft article 18, provided that it was considered as a package. Counter-terrorism cooperation among Member States could only be effective on the basis of an international treaty that would complement the 16 existing instruments. In that spirit, her Government would soon deposit its instruments of ratification or access to the four most recent of them.

56. **Mr. Mohamad** (Sudan) said that he condemned and rejected all forms of terrorism, including State terrorism, which were contrary to the values of

tolerance on which Sudanese society was founded. His country had ratified 12 of the conventions on terrorism and was currently completing the procedures for accession to the International Convention for the Suppression of Acts of Nuclear Terrorism. It continued to meet its regional and international counter-terrorism commitments and was actively engaged in the efforts to contain the phenomenon, as demonstrated by its recent involvement in the rescue of European hostages seized near its borders with Egypt. The Sudan was also cooperating closely with UNODC in order to harmonize its legislation with the relevant international instruments and the integrated legal framework now in place to combat terrorism, which included special courts, was being duly applied as necessary.

57. The General Assembly was best qualified to lead and coordinate international counter-terrorism efforts, which should be guided by the principles of international law with an emphasis on enhanced cooperation and capacity-building. The disturbing use of counter-terrorism as a tool for settling political scores and legitimizing such tactics as force and blackmail must be reconsidered, however, in the interests of preparedness to combat and pre-empt terrorist activities. To that end, it was important to address social and economic injustices and to promote intercultural and interreligious dialogue, as well as tolerance and mutual understanding. Other vital issues demanding attention included the deliberate confusion between terrorism and struggles for liberation and independence, the intentional disregard of State terrorism and the insidious trend of linking terrorism to a certain religion or culture. As for the mocking caricatures that had targeted Islam and its Prophet, they were simply another face of terrorism.

58. The Global Strategy lacked the bases for effective international cooperation, failing as it did to encompass those vital issues or to deal adequately with the root causes of terrorism. On those scores, finalization of the draft convention, including agreement on a precise legal definition of terrorism, would end the reigning confusion. In conclusion, he noted the emergence of a new and unfamiliar form of institutional terrorism, conducted in the name of justice with a view to political blackmail and coercion, of which a prime example was the decision of the International Court of Justice to indict the Sudanese leadership.

59. **Mr. Le Bsaili** (United Arab Emirates) said that those engaged in terrorist activities were now demonstrating a new sophistication and complexity in which the tools of globalization and modern technology were key factors. He welcomed the review of the Global Strategy and stressed the collective responsibility for its implementation, with emphasis on non-selectivity, transparency and objectivity; strengthening of technical assistance and training programmes for developing countries, without distinction; avoidance of any linkage of terrorism with certain religions, nationalities, cultures or ethnicities; criminalization of all practices harmful to religion; respect for the rule of law and human rights in all counter-terrorism measures and instruments; organization of an international conference under United Nations auspices with the aim of reaching a clear definition of terrorism and strengthening counter-terrorism laws; and assumption of responsibility by the United Nations and others for resolving the conflicts and injustices that were a catalyst for terrorist activities.

60. His country condemned all forms of terrorism as serious crimes against humanity that should be punishable by law and had introduced appropriate legislation and measures accordingly. It had also implemented educational and training programmes aimed at fostering awareness of extremism and countering acts of violence and terrorism. It was fulfilling its commitments under the relevant Security Council resolutions and had responded to suggestions for improving its counter-terrorism efforts; strengthened its cooperation with friendly States and with relevant regional and international organizations, notably the International Criminal Police Organization (INTERPOL); and became a party to various bilateral, regional and international counter-terrorism instruments. As for the Global Strategy, the efforts to ensure its system-wide implementation were commendable, but more technical and advisory assistance were necessary in order for countries to meet their commitments in that regard.

61. *Mr. Sheeran (New Zealand), Vice-Chairperson, took the Chair.*

62. **Ms. Jahan** (Bangladesh) said that terrorism was a cross-border challenge, linked to other transnational crimes, which it was becoming increasingly difficult to combat because of globalization. The Global Strategy was a testimony to the collective determination required to combat it on the basis of the four pillars of action identified in its Plan of Action. In order to

ensure full and effective implementation of the Strategy, however, assistance was needed for capacity-building in developed countries, and especially the least developed among them.

63. While there could never be any justification for terrorism, it was important to bear in mind the factors conducive to it, such as denial of peoples' right to self-determination, political oppression, social and economic marginalization and victimization. Those root causes must therefore be addressed: counter-terrorism and development of an agenda for peace were interrelated; respect for human rights, international humanitarian rights and the rule of law were a crucial foundation for counter-terrorism activity. Moreover, any attempt to associate terrorism with a particular nation, culture, race or religion was unacceptable and must be resisted, in particular with the help of the media. Her country, for its part, supported programmes and policies that encouraged dialogue among civilizations and religions and promoted a culture of peace.

64. Bangladesh was a party to all 13 of the United Nations conventions and protocols on terrorism. It would appreciate further assistance in their implementation from the United Nations and the international community, in addition to the capacity-building assistance it was already receiving from the UNODC Terrorism Prevention Branch. Those instruments also needed to be complemented by the comprehensive convention that the Ad Hoc Committee was still seeking to develop, hampered, however, by a lack of political will on the part of delegations. In that context, it was important not to confuse terrorism with the legitimate right to self-determination and the struggle for independence under foreign occupation and to ensure that the draft convention covered all forms of terrorist activity, whether perpetrated by State or non-State actors. A high-level conference under the aegis of the United Nations would be useful in helping the international community to respond to terrorism and might also lead to a consensus on its definition.

65. **Mr. Çorman** (Turkey) said that terrorism, regardless of its motivation, must be condemned unconditionally; it was one of the most serious threats to international peace and security and spared no country. Efforts to combat it should include the promotion of dialogue, tolerance and understanding among different cultures and religions, for example though such initiatives as the Alliance of Civilizations; those efforts would also benefit from completion of the long overdue work on the draft convention; the Secretary-General's Symposium on Supporting Victims of Terrorism, held in New York on 9 September 2008, had given a concrete dimension to discussions on terrorism and might accelerate progress on the draft. Preparation of such instruments was a challenge, but their translation into deeds was even more so. They provided a firm basis for the counter-terrorism effort, but its success depended on full compliance with them and with all relevant General Assembly and Security Council resolutions. Turkey had suffered from terrorism, most recently the previous week, when a terrorist separatist organization had killed 17 people in an attack on a gendarmerie station on the border with Iraq. It therefore considered it urgent to further strengthen efforts to combat that problem and stood ready to contribute to them.

66. **Ms. Nworgu** (Nigeria) said that her country unequivocally condemned terrorism, which, as a global threat to international peace and security, required a comprehensive response. The General Assembly's adoption by consensus of the Global Strategy in 2006 was a testimony to the international community's unity of purpose and commitment. The Strategy was a key achievement that needed to be built upon; it offered a comprehensive framework for a coherent international response to terrorism, gave priority to addressing the underlying conditions and emphasized the need to respect human rights and promote the rule of law. Her delegation welcomed the recent review of its implementation and called for speedy implementation of the resolution adopted on that occasion as well. She called on the Committee to provide guidance on ways of promoting linkages between the Strategy and the two United Nations initiatives designed to address the conditions conducive to the spread of terrorism, namely, the Millennium Development Goals and the Alliance of Civilizations.

67. Nigeria actively promoted tolerance — including religious tolerance, which was a basic principle enshrined in its Constitution — and had launched programmes for interfaith and inter-ethnic dialogue. It had ratified nine of the international counter-terrorism instruments and was taking steps to ratify the remainder of them. Moreover, pending enactment of the terrorism prevention bill currently before the National Assembly, her country was able to rely on domestic law for the prosecution of terrorist offences.

It had fully implemented the African Union's Plan of Action on the Prevention and Combating of Terrorism in Africa, in particular by setting up a national focal point which had its own internal mechanism to facilitate intelligence-sharing, and had taken steps to protect critical infrastructure from cyber terrorism and other cyber crimes. Perception management and counter-radicalization programmes had been developed in order to prevent extremism and radicalization of young people. Recognizing that the peaceful resolution of conflicts helped to strengthen the global counter-terrorism effort, Nigeria was a contributor to United Nations peacekeeping efforts, in particular in Darfur and Guinea-Bissau. It had also supported the work of UNODC, notably in post-conflict countries in Africa.

68. **Mr. Benmehidi** (Algeria) said that his country firmly condemned terrorism in all its forms and manifestations, regardless of source. Terrorism sometimes cloaked itself in a pseudo-religious ideology or a pretended nationalism but such attacks could never be justified, nor could terrorism be identified with any culture, ethnicity, religion or region. His delegation deplored the irresponsible political propaganda that incited hatred of Islam; such an attitude could only aid terrorists in generating their own propaganda and ran counter to Security Council resolution 1624 (2005), which called for dialogue among civilizations.

69. While firmly combating criminal acts, Algeria had become convinced that only a comprehensive approach could unite society against those who perverted the concepts of religion and preached a fanatic ideology. Three years previously, the country had launched a process of national reconciliation, offering clemency to those who renounced violence while taking a firm stand against those who persisted in criminal ways. The aim was to enable the country to put behind it a painful period in its history and to encourage those who believed in the sacredness of human life and recognized the principles of democracy, tolerance and civic dialogue.

70. The changing manifestations of terrorism and its transnational dimension had underscored the limits of individual actions and the importance of coordinating the efforts of all countries. The United Nations was the appropriate forum for collective action against terrorism, and the Global Strategy, recently reviewed, provided an agreed framework for comprehensive efforts against terrorism and its underlying causes. However, the Strategy must be implemented in its entirety, without selectivity, with a special emphasis on technical assistance.

71. With regard to legal tools against terrorism, although the many sectoral instruments had all made a contribution, the draft convention was still being debated in the Ad Hoc Committee. His own delegation was keenly interested in completion of a comprehensive convention and urged all delegations to engage in serious debate in order to overcome the remaining differences with regard, in particular, to its scope of application. A clear distinction between terrorism and the resistance of peoples under colonial domination and foreign occupation was essential in order to arrive at a consensus text. The Coordinator's proposal for draft article 18 deserved more detailed study and should be read in light of draft article 2.

72. **Ms. Schonmann** (Israel) said that terrorism as a phenomenon was multifaceted, and terrorists did not fit one typical profile. What terrorists of all ages, sexes, regions and walks of life had in common was their willingness to sacrifice common principles of humanity in pursuit of their violent agenda. The politics of terrorism glorified martyrdom and claimed a monopoly on the status of victim; spoke of rights while disregarding the most important of all, the right to life; and sought an audience. Like a Trojan horse, terrorism sought legitimacy and political power in order to undermine democracies from within. In the countless negotiations before the Committee throughout the years, terrorism had sought legitimacy in the form of recognition of a distinction between permissible and impermissible forms of terror. The economics of terrorism required a steady flow of funds and a vast logistical and financial infrastructure, at times making use of organizations claiming to have charitable, social or cultural goals.

73. The Committee's vital task was to provide sufficient legal tools to combat international terrorism and create a universal standard which States were expected to meet. Unfortunately, the controversies that had accompanied the early debates continued, preventing progress in the foreseeable future. The absence of a consensus definition of terrorism undermined the legitimacy of United Nations and State practice in dealing with the threat. The Committee must not send an ambiguous message to those who believed that terrorism could be justified. The Global Strategy, adopted by consensus at the sixtieth session

of the General Assembly and recently reaffirmed, reiterated the international community's clear and unequivocal condemnation of terrorism, irrespective of the motivations underlying the actions of terrorists. As desirable as it would be to conclude a comprehensive convention on international terrorism at the earliest possible opportunity, that goal should not be achieved by diluting the principles that would make it an effective tool.

74. Fighting terrorism required a calculated strategy. At the national level, States must be encouraged to adopt and implement domestic legislation to target terrorists and their support structure. The international community must take firm action against States that provided a safe haven for terrorists, encouraged and supported their activities or merely refrained from acting against them. Regional and international agreements should ensure a coordinated, resolute and comprehensive response. One of the biggest challenges was defeatism in the face of new, extremely complex threats. But although terrorists continued to devise new methods of destruction, experience had shown that with dedication, cooperation and resolve, lives could be protected and terrorists could be thwarted.

75. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that it was important to persist in efforts to elaborate a comprehensive convention on international terrorism and to continue to consider the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. While firmly condemning terrorism, his delegation continued to maintain that counter-terrorism measures should not violate human rights. Combating terrorism required a far-reaching effort that went beyond suppression and might produce results only in the long term. Meanwhile, for efforts against terrorism to be effective, there was a need for greater cooperation, coordination and information-sharing between law enforcement and intelligence services, both within and between States.

76. In recent years, his country had made significant progress in combating terrorism. The Democratic Republic of the Congo had submitted several reports pursuant to Security Council resolution 1373 (2001) and, to complete its participation in the primary international counter-terrorism instruments, it had recently become a party to the United Nations Convention against Transnational Organized Crime and its three protocols, the International Convention for the Suppression of the Financing of Terrorism, the International Convention for the Suppression of Acts of Terrorist Bombings and the International Convention for the Suppression of Acts of Nuclear Terrorism; it was in the process of incorporating those instruments into domestic law.

77. Certain national tribunals had been given jurisdiction to judge perpetrators of terrorist acts and to cooperate in that regard with other States and with competent regional and international organizations. The new Military Penal Code established and criminalized the offence of terrorism, as well as genocide, crimes against humanity and war crimes, and the Congolese High Military Court had handed down severe sentences to officers in the armed forces convicted of terrorist acts. With regard to money-laundering and the financing of terrorism, a new act included major provisions for preventing and detecting terrorist financing operations, and a financial intelligence unit had been set up at the initiative of the Central Bank.

78. **Mr. Mansour** (Tunisia) said that the recent biennial review of the Global Strategy had been highly beneficial, and the resulting General Assembly resolution 62/272 provided a transparent and constructive framework for efforts to implement the Strategy. It would be imperative to maintain and strengthen the consensus on the document and encourage ownership of the Strategy by Member States.

79. Efforts to finalize the draft convention, on the other hand, had languished for some years owing to differences concerning, among other things, exclusion clauses. His delegation believed that the differences were not insurmountable, but since the aim was to elaborate a comprehensive convention capable of filling the gaps in the current sectoral legal framework, only a consensus instrument to which all countries could adhere without reservations would suffice. Although consultations could continue, it would be wise to evaluate the exercise, decide on the next steps to be taken and consider possible alternatives.

80. The work of the Security Council in combating terrorism would be strengthened by greater coordination with the General Assembly. His delegation welcomed the briefings organized by the Council's subsidiary bodies and would like to see

regular consultation between the Council and the General Assembly.

81. The incidents of terrorism in the past year underlined the need to improve understanding of the scourge, its root causes and the factors conducive to it. Persistent political and economic injustices, long-unresolved conflicts, frustration, poverty, exclusion, marginalization and defamation of religions were some of the factors that led to radicalism and extremism. Defamatory campaigns, whether orchestrated or spontaneous, tending to demonize a religion or a culture were a major factor encouraging indoctrination and recruitment.

82. Being deeply attached to the values of openness, tolerance and moderation, Tunisia had hosted the International Conference on Terrorism held in November 2007 in Tunis, organized jointly by the United Nations and the Islamic Educational, Scientific and Cultural Organization with the objective, among others, of overcoming stereotypes and promoting interreligious dialogue. Participants had noted international terrorism had damaged the reputation of Muslims and increased intolerance and discrimination against them and that the international community should be more involved in countering defamatory campaigns against Islam. It was vital to combat stereotypes and prejudices and prevent the crimes of a few from tarnishing the image of an entire people or religion; extremists should not be supported in their claims that they were restoring the honour and dignity of their religion and civilization.

83. The participants had also unanimously supported the President of Tunisia's initiative to convene an international conference under the auspices of the United Nations to elaborate an international code of conduct in the fight against terrorism, an initiative supported at the United Nations by a number of regional and political groups. The persistence of the threat of terrorism should give rise to a rigorous, ongoing re-evaluation of the appropriateness of the choices made and the effectiveness of measures and mechanisms in place.

84. **Ms. Rodríguez-Pineda** (Guatemala) said that Guatemala had ratified 10 of the international counter-terrorism instruments, as well as the Inter-American Convention against Terrorism, and was in the process of ratifying the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The nation had a law in place on preventing and suppressing the financing of terrorism and a new law on extradition procedure. In addition, congressional committees were currently considering a bill that would consolidate the legislation on international terrorism.

85. In 2008, at the request of the Government of Guatemala, UNODC and the Inter-American Committee against Terrorism (CICTE) had jointly conducted a third technical assistance mission to help Guatemala update its legislation in order to fulfil its obligations under the relevant conventions and resolutions. Under the leadership of the Ministry of Foreign Affairs, a team was working on legislation that would establish a national centre for the prevention of cyber crime. In addition, in response to concerns about the increasing number of terrorist attacks against United Nations personnel around the world, Guatemala had recently acceded to the Convention on the Safety of United Nations and Associated Personnel.

86. In view of the multidimensional nature of terrorism, a comprehensive definition and convention were urgently needed. Her delegation supported the Coordinator's proposal and looked forward to serious debate on its strengths and weaknesses.

87. Its geographical position made Guatemala a transit point for drug and related activities, such as traffic in small arms and light weapons, trafficking in persons and other forms of transnational organized crime. Those factors, combined with extreme poverty, put it at serious risk of terrorist acts. In its 2007 report, "Crime and Development in Central America: Caught in the Crossfire", UNODC had warned that possible links between organized crime, drug trafficking and terrorism should not be underestimated. Similar conclusions had been reached in the Panama Declaration adopted at the Second Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime, held in 2008, which also stressed protection of human rights and the importance of the regional and subregional dimension. In other words, the issues of combating transnational organized crime and combating terrorism were closely linked and required, among other things, stronger mechanisms for information exchange.

The meeting rose at 1 p.m.